

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:14-CR-00106-RJC**

**UNITED STATES OF AMERICA, )  
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                                  )  
                                  )  
v.                              )  
                                  )  
                                  )  
**OMARIS DUSHAWN MCMILLER, )  
                                  )  
                                  )  
**Defendant.                  )******

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**THIS MATTER** is before the Court on Defendant's pro se letter dated April 28, 2015 (document #21) and filed with the Court on May 4, 2015. Defendant was originally indicted in case 3:13-cr-263. He later plead to an Information filed under 3:14-cr-106 and is awaiting sentencing. The Court held a hearing in this matter on May 11, 2015.

Defendant represents that appointed counsel Christopher Sanders has made few visits to the jail and never completely reviewed discovery with him. Defendant also represents that he never intended to plead to a charge involving crack cocaine. He was charged with powder cocaine in the Indictment but plead to a charge involving crack cocaine by Information. Mr. Sanders represents that this resulted from confusion and that his intention was for Defendant to plead to a charge involving powder cocaine. Counsel has taken no action to address this situation. Defendant's final Presentence Report was filed on April 28, 2015. Mr. Sanders acknowledges that he has not reviewed this Report with the Defendant, and the period for filing objections has now passed. Defendant has filed a grievance against Mr. Sanders with the Bar.

**ORDER**

Based upon the foregoing, the Court removes Mr. Sanders as counsel for Defendant and directs the Federal Defender to appoint new counsel.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Robert J. Conrad, Jr.

**SO ORDERED.**

Signed: May 11, 2015

  
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David S. Cayer  
United States Magistrate Judge  
